

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12 v.
13 AUBREY TAYLOR,
14 Defendant.

Case No. CR16-300RSL

ORDER DENYING MOTION
TO QUASH SUBPOENA
AND DISMISS
INDICTMENT

15 This matter comes before the Court on defendant's "Motion for Order Quashing Grand
16 Jury Subpoena and Dismissing Indictment for Prosecutorial Misuse of the Grand Jury." Dkt.
17 # 113. The Court has considered the parties' memoranda, filings, and the remainder of the
18 record. For the following reasons, the motion is DENIED.


19 Defendant Aubrey Taylor faces four counts of charges related to sex trafficking. The
20 government recently served a grand jury subpoena on T.T., the mother of two of Mr. Taylor's
21 children. Mr. Taylor asserts that the subpoena was improperly motivated—that is, he claims that
22 the government subpoenaed T.T. to harass her, to pressure Mr. Taylor, or simply to use the
23 grand jury for collecting more evidence on the counts he already faces. He moves to quash the
24 subpoena and dismiss the indictment.

25 The Court is not persuaded that Mr. Taylor has standing to quash the subpoena. He cites
26 no legitimate interest in quashing it, see United States v. Jenkins, 895 F. Supp. 1389, 1393 (D.
27 Haw. 1995), and counsel for T.T. has not appeared or challenged the subpoena on her behalf. In
28 addition, Mr. Taylor cites no evidence indicating the subpoena was issued for an improper

1 purpose or that he is entitled to relief. See In re Grand Jury Proceedings, 586 F.2d 724, 725 (9th
2 Cir. 1978) (“While it may be improper to call a grand jury witness [s]olely to prepare a
3 previously-indicted case for trial, the government has every right to interrogate witnesses on
4 subjects relevant to a pending indictment.” (citation omitted)). Even if he could cite evidence of
5 an improper purpose, he cites no authority that the appropriate remedy is to quash the subpoena
6 or dismiss the indictment. If a defendant can show a grand jury subpoena was improperly
7 motivated, a more appropriate remedy is seeking to suppress the evidence that the grand jury
8 testimony yields. See, e.g., United States v. Leung, 40 F.3d 577, 581 (2d Cir. 1994).

9 For the foregoing reasons, the motion, Dkt. # 113, is DENIED.

10 DATED this 17th day of April, 2018.

11
12
13 

14 Robert S. Lasnik
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28